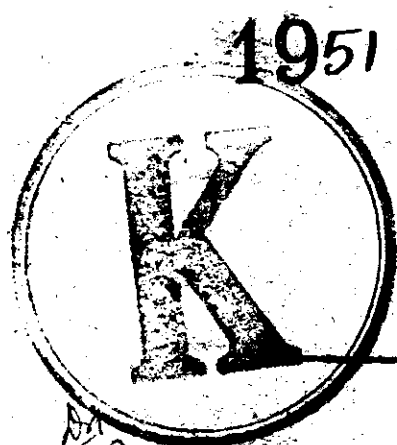




File No. B. Merged States / 51
Legal Department

BRANCH

Subject:—

L. A. Bill No XV of 1951

A Bill to amend the Bombay

Merged States (Laws) Act, 1950

Bom. Act, no XXI of 1951

P. 15
15

File No. B Merged States / 51

Gen. 194 e.

754-B

Legal Department.

A requisite draft Bill is sent herewith.

2. The subject matter of the Bill falls under entry 26 in List III in the Seventh Schedule to the Constitution. The Bill does not require any sanction or recommendation. The Bill will have to be reserved for the consideration of the President with reference to article 254 (2).

Id/- J.R.D. 5/10

Additional Secretary to Government.

U.R. to L.S.G. & M.P.L.D. No. 69-L, dated 5th

October 1950.

KAN/17-7.
4 c.

24
24/7

Legal Department.

To achieve the object in view rule (i) in section 31C(1) may be amended. It is also necessary to make a slight amendment in rule (ii) to bring it in line with revised rule (i). A requisite draft Bill making the ~~extensive and intricate~~ necessary provisions is sent herewith.

2. Under section 31C of the Act power is given to the Registration Tribunal to examine applications for Registration received on or before the date appointed. It is presumed that no such date has yet been appointed.

3. The subject matter of the Bill falls under entry 26 of the Concurrent List in the Seventh Schedule to the Constitution of India. As the provisions of the Bill are repugnant to the provisions of the Bombay Medical Practitioners' Act, 1938, which is an existing law relating to entry 26 in the Concurrent List, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

Id/- J.R.D. 21/8

Additional Secretary to Government.

HAI. (Health).

KAN/17/7.

4 c.

No. 6106
Legal Department,
Bombay Castle (Bombay No. 1), 16th April 1951.

From
Shri J.R. Durandkar,
Secretary to the Government of Bombay.

To
The Secretary to the Governor of Bombay.

Subject:- The Bombay Merged States (Laws) (Amendment)
Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay Merged States (Laws) (Amendment) Bill, 1951, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 30th and the 31st March 1951, respectively.

2. The subject-matter of the Bill falls under entry 26 in List III in the Seventh Schedule to the Constitution of India. As the provisions of the Bill are repugnant to the provisions of the Bombay Medical Act, 1912, and the Bombay Medical Practitioners' Act, 1938, which are the existing laws relating to entry 26 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution.

3. I also forward herewith six copies of the items

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	: Nos.
	: 1 an

- | | | |
|--|---|---------|
| 2. Bill as read for the third time and passed by the Bombay Legislative Council. | : | 2 and |
| | : | two |
| 3. Extracts from the proceedings of the Bombay Legislative Assembly dated the 30th March 1951 and of the Bombay Legislative Council dated the 31st March 1951. | : | copies |
| | : | of item |
-

No. 3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Id/- J.R.D. 14/4

Secretary to Government.

Through

The Secretary to the Government of Bombay,
Local Self Government and Public Health Department.

KAN/18-6.
4 c.

No. G.S.-1122

From

Shri L. M. Nadkarni, I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislature
Department, Council Hall, BOMBAY. 1.

GOVERNMENT HOUSE,

Bombay, April 25, 1951.

Subject: The Bombay Merged States (Laws)
(Amendment) Bill, 1951.

.....

Sir,

With reference to the Bombay Merged States (Laws) (Amendment) Bill, 1951, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on March 30 and 31, 1951, respectively, I am ~~now~~ directed to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as the provisions of the Bill are repugnant to the provisions of the Bill are repugnant to the provisions of the Bombay Medical Act, 1912, and the Bombay Medical Practitioners' Act, 1938, ~~and~~ which are existing laws relating to entry 26 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President with reference to Article 254(2) of the Constitution of India. His Excellency the Governor has accordingly been pleased, under Article 200 of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

L. M. NADKARNI.

Secretary to the Governor of Bombay.

.....

No. G.S.-1123

Office of the Secretary to the Governor,
Government House,
Bombay, April 25, 1951.

Copy forwarded ~~in~~ with compliments for information to:-

The Secretary to the Government of Bombay, Legal
Department, with reference to his letter No.
6106, dated April 16, 1951;

The Secretary to the Government of Bombay, Local
Self Government and Public Health Department,
with reference to his endorsement No.5981/33/21256-II,
dated April 23, 1951.

Sd/- L.H. Radkarni

Secretary to the Governor of Bombay.

KAB/18-6,
4 c.

No. G.S.-1428

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to Government,

Legal Department.

GOVERNMENT HOUSE,

BOMBAY, May 29, 1951.

Subject: The Bombay Merged States
(Laws) (Amendment) Bill, 1951.

Sir,

With reference to the correspondence ending with your letter No. 7859, dated May 18, 1951, I am to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Bombay Merged States (Laws) (Amendment) Bill, 1951, on May 25, 1951.

Yours faithfully,

Sa/-

for Secretary to the Governor.

KAN/18-7.

4 c.

No. G.S.-1428

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to Government,

Legal Department.

GOVERNMENT HOUSE?

BOMBAY, May 31, 1951.

Subject: The Bombay Merged States
(Laws) (Amendment) Bill, 1951.

Sir,

In continuation of my letter No. G.S.-1428, dated May 29, 1951, I am directed to forward herewith the authentic copy of the Bombay Merged States (Laws) (Amendment) Bill, 1951, with the President's assent signified thereon.

Yours faithfully,

Sd/-

for Secretary to the Governor.

KAN/18-7.

4 c.



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 28TH FEBRUARY 1951.

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XV OF 1951:

A Bill to amend the Bombay Merged States (Laws) Act, 1950.

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Merged States (Laws) (Amendment) Act, 1951. Short title.

2. In the Third Schedule to the Bombay Merged States (Laws) Act, 1950, the following entries shall be added at the end, namely :— Amendment of Third Schedule to Bom. IV of 1950.

"The Bombay Medical Act, 1912 (Bom. VI of 1912).

All merged States.

After section 8, the following new section shall be inserted, namely:—

'8A. (1) Notwithstanding anything contained in section 7, every person —

(a) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State; and

(b) who holds any of the qualifications specified in the Schedules to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act.

(2) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final'.

Registration of practitioners registered in merged States.

The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).

All merged States.

(1) After section 17, the following new section shall be inserted namely:—

"17A. (1) Notwithstanding anything contained in section 16, every practitioner, whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act.

(2) If any question arises whether any person is deemed to be a registered practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final."

(2) After section 18, the following new section shall be inserted, namely:—

"18A. (1) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger of the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list.

(2) If any question arises whether a person is entitled to have his name entered in the list under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final."

(3) After section 31C, the following new section shall be inserted namely:—

"31CC. The provision of sections 31A to 31C (both inclusive) shall not apply to any merged State if in such State there was any law in force corresponding to the Bombay Medical Act, 1912, or this Act, on the date of merger of the State with the State of Bombay."

Bom.
VI of
1912.

Bom.
VI of
1912.

Registration of other persons registered in merged States.

Application of sections 31A to 31C to merged States.

Repeal of clause 4(iii) of Administration of Baroda State Order.

3. Paragraph (iii) of clause 4 of the Administration of the Baroda State Order is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

It is proposed to amend the Bombay Merged States (Laws) Act, 1950, for the reasons mentioned below:—

Clause 2.—It is proposed that (1) persons who have been registered under the Medical Practitioners Act in force in any of the merged States and who hold any of the qualifications specified in the Schedules to the Indian Medical Council Act, 1933, or Bombay Medical Act, 1912, should be deemed to be medical practitioners registered under the Bombay Medical Act, 1912; (2) persons who have been registered as practitioners in the register of practitioners maintained under any law for the time being in force in any of the merged States corresponding to the Bombay Medical Practitioners' Act, 1938, should be deemed to be practitioners registered under the said Act; and (3) all persons other than those mentioned in (1) and (2) above, who were registered as practitioners under any law for the time being in force in any of the merged States, should be enlisted under the Bombay Medical Practitioners Act, 1938.

It is also proposed that only those States which had no Medical Practitioners Act and no Medical Councils constituted thereunder should be governed by the provisions of sections 31A to 31C of Bombay Medical Practitioners' Act, 1938.

Clause 3.—It is proposed to repeal paragraph (iii) of clause 4 of the Administration of Baroda State Order with a view to placing the practitioners from Baroda on the same footing as practitioners from other merged States as proposed in clause 2 of the Bill and to apply to them the same laws in respect of registration as are applicable to persons from Bombay.

(Signed) M. D. D. GILDER.
Dated the 20th February 1951.

By order of the Governor of Bombay,
J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.
Bombay, dated the 27th February 1951.

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L. A. BILL No. XV OF 1951.

A Bill to amend the Bombay Merged States (Laws) Act, 1950.

(As read for the third time and passed by the Legislative Assembly on the
30th March 1951.)

(As read for the third time and passed by the Legislative Council on the
31st March 1951.)

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Merged States (Laws) (Amendment) Short title. Act, 1951.

2. In the Third Schedule to the Bombay Merged States (Laws) Act, 1950, the following entries shall be added at the end, namely:—

"The Bom. All merged
bay Medical States.
Act, 1912
(Bom. VI of
1912).

Registra-
tion of me-
dical practi-
tioners re-
gistered in
merged
States.

After section 8, the following new section shall be inserted, namely:—

'8A. (1) Notwithstanding anything contained in section 7, every person—

(a) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State; and

(b) who holds any of the qualifications specified in the Schedules to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act.

(2) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'

XXVII
of
1933.

The Bombay All merged
Medical States.
Practitioners'
Act, 1938
(Bom. XXVI
of 1938).

Registra-
tion of prac-
titioners
registered
in merged
States.

(1) After section 17, the following new section shall be inserted, namely:—

'17A. (1) Notwithstanding anything contained in section 16, every practitioner, whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act.

(2) If any question arises whether any person is deemed to be a registered practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'

(2) After section 18, the following new section shall be inserted, namely:—

'18-1A. (1) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger of the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list.

(2) If any question arises whether a person is entitled to have his name entered in the list under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'"

Bom.
VI of
1912.

3. Paragraph (iii) of clause 4 of the Administration of the Baroda State Order is hereby repealed.

Repeal of
clause
4(iii) of
Administra-
tion of
Baroda
State Order.

Government of Bombay

LEGAL DEPARTMENT

{L. A. BILL No. XV OF 1951.}

**{As read for the third time and passed
by the Legislative Assembly on the
30th March 1951.}**

**{As read for the third time and passed
by the Legislative Council on the
31st March 1951.}**

**A Bill to amend the Bombay Merged
States (Laws) Act, 1950.**

[Dr. M. D. D. GILDER, M.L.A.]



The
Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 2ND JUNE 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and
Regulations made by the Governor.

CONTENTS.

	PAGES
BOMBAY ACT No. XXI OF 1951—An Act to amend the Bombay Merged States (Laws) Act, 1950	76-77

The following Act of the Bombay Legislature having been assented to by the President on the 25th May 1951 is hereby published for general information.

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXI OF 1951.

*(First published, after having received the assent of the President, in the
"Bombay Government Gazette" on the 2nd June 1951.)*

An Act to amend the Bombay Merged States (Laws) Act, 1950.

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Merged States (Laws) (Amendment) Act, 1951. Short title.

Amendment
of Third
Schedule
to Bom.
IV of 1950.

2. In the Third Schedule to the Bombay Merged States (Laws) Act, 1950, the following entries shall be added at the end, namely:—

Bom.
IV of
1950.

"The Bom. All merged
bay Medical States.
Act, 1912
(Bom. VI of
1912).

Registra-
tion of me-
dical practi-
tioners re-
gistered in
merged
States.

After section 8, the following new section shall be inserted, namely:—

8A. (1) Notwithstanding anything contained in section 7, every person—

(a) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State; and

(b) who holds any of the qualifications specified in the Schedules to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act. **XXVII of 1933.**

(2) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.

The Bombay All merged
Medical States.
Practitioners'
Act, 1938
(Bom. XXVI
of 1938).

Registra-
tion of prac-
titioners
registered
in merged
States.

(1) After section 17, the following new section shall be inserted, namely:—

17A. (1) Notwithstanding anything contained in section 16, every practitioner, whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act.

(2) If any question arises whether any person is deemed to be a registered practitioner under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.

(2) After section 18, the following new section shall be inserted, namely:—

Registration
of other
persons
registered
in merged
States.

18-1A. (1) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger of the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list. **Bom. VI of 1912.**

(2) If any question arises whether a person is entitled to have his name entered in the list under sub-section (1), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.

Repeal of
clause
4(iii) of
Administra-
tion of
Baroda
State Order.

3. Paragraph (iii) of clause 4 of the Administration of the Baroda State Order is hereby repealed.